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09/461,487	12/14/1999	DORON JUSTER	1018.076US1	3876

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EXAMINER
LAFORGIA, CHRISTIAN A

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-28_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-28_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _14 December 1999_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) ☒ Other: *PTO-1533* .

DETAILED ACTION

1.   Claims 1 through 28 are presented for examination.

Drawings

2.   This application has been filed with informal drawings which are acceptable for

examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4.   Claims 1, 6, 11 through 13, 16, 18 through 24, and 26 through 28 are rejected under 35

U.S.C. 102(e) as being anticipated by United States Patent No. 5,884,301 to Takano.

5.   As per claim 1, Takano teaches a computer-implemented method comprising:

6.   sending a request from a client to a server of a list of servers (Figures 1, 2, 6, & 7;

column 3, lines 38-46; column 4, line 15-20);

7.   determining at the server whether the server is inappropriate to fulfill the request (Figures

2, 3, & 4; column 4, lines 21-54);

8.   upon determining that the server is inappropriate to fulfill the request,

        sending an error message from the server to the client that the server is off-line

    (Figure 8; column 1, lines 25-51); and,

upon receiving the error message at the client, repeating sending the request to a

next server of the list until the error message is not received (Figure 8; column 1, lines

38-51).

9.   As per claim 6, Takano teaches a machine-readable medium having instructions stored

thereon for execution by a processor of a client to perform a method comprising:

10.   sending a request to a server of a list of servers (Figures 1, 2, 6, & 7; column 3, lines 38-

46; column 4, line 15-20);

11.   receiving a response to the request from the server (Figures 2, 3, & 4; column 4, lines 21-

54); and,

12.   upon determining that the response comprises an error message that the server is off-line,

as used by the server when the serve is inappropriate to fulfill the request, repeating sending the

request to a next server of the list until the error message is not received (Figure 8; column 1,

lines 38-51).

13.   As per claim 11, Takano teaches a computerized system comprising:

14.   a plurality of servers, each server designed to send an error message that the server is off-

line in response to receiving a request from the server is unable to fulfill locally and received

from a client of a predetermined type (Figures 1, 6, 7, & 8; column 4, lines 1-10; column 4, line

65 to column 5, line 5); and,

15.   a client of the predetermined type and designed to repeat sending a request to a different

one of the plurality of servers until the error message is not received in response (Figures 6, 7, &

8; column 1, lines 38-51).

16.   Regarding claim 12, Takano teaches wherein each of the plurality of servers is further

designed to delegate to another of the plurality of servers a request the server is unable to fulfill

locally and received from a client of a second predetermined type (Figures 6, 7, & 8; column 5,

line 56 to column 6, line 26; column 6, lines 30-56).

17.   With regards to claim 13, Takano teaches a second client of the second predetermined

type and designed to send a request to one of the plurality of servers (Figures 6, 7, & 8; column

5, line 56 to column 6, line 26; column 6, lines 30-56).

18.   As per claim 16, Takano teaches a client computer comprising:

19.   a communications device (Abstract; Figures 1, 6, 7, & 8; column 1, lines 5-51); and,

20.   a computer program designed to repeat sending a request to a different server of a list of

servers via the communications device until an error message that the server is off-line as used

by the server when the server is inappropriate to fulfill the request is not received in response

(Figure 8; column 1, lines 38-51).

21.   As per claim 18, Takano teaches a machine-readable medium having instructions stored thereon for execution by a processor to transform a general purpose computer to a special purpose computer comprising:

22.   a communications device (Abstract; Figures 1, 6, 7, & 8; column 1, lines 5-51); and,

23.   means for repeating sending a request to a different server of a list of servers via the communications device until an error message that the server is off-line as used by the server when the server is inappropriate to fulfill the request is not received in response (Figure 8; column 1, lines 38-51).

24.   As per claim 19, Takano teaches a machine-readable medium having instructions stored thereon for execution by a processor of a server to perform a method comprising:

25.   receiving a request from a client (Figures 1, 2, 6, & 7; column 3, lines 38-46; column 4, line 15-20);

26.   determining whether the server is inappropriate to fulfill the request (Figures 2, 3, & 4; column 4, lines 21-54);

27.   determining whether the client is of a predetermined type (Figures 6, 7, & 8; column 5, line 56 to column 6, line 26; column 6, lines 30-56); and,

28.   upon determining that the server is inappropriate to fulfill the request and that the client is of the second predetermined type, delegating the request to another server (Figure 8; column 1, lines 38-51).

29.   With regards to claim 20, Takano teaches the method further comprising:

30.   determining whether the client is of a second predetermined type (Figures 6, 7, & 8; column 5, line 56 to column 6, line 26; column 6, lines 30-56);

31.   upon determining that the server is inappropriate to fulfill the request and that the client is of the second predetermined type, delegating the request to another server (Figure 8; column 1, lines 38-51).

32.   Regarding claim 21, Takano teaches the method further comprising upon determining that the server is appropriate to fulfill the request, fulfilling the request (Figures 3, 4, 6, 7, & 8; column 4, lines 15-64).

33.   As per claim 22, Takano teaches a server computer comprising:

34.   a communications device (Abstract; Figures 1, 6, 7, & 8; column 1, lines 5-51); and,

35.   a computer program designed to send via the communications device an error message that the server computer is off-line in response to a request from a client of a predetermined type when the server computer is inappropriate to fulfill the request (Figure 8; column 1, lines 38-51).

36.   With regards to claim 23, Takano teaches wherein the computer program is further designed to delegate the request to another server computer via the communications device in response to a request from a client of a second predetermined type when the server computer is inappropriate to fulfill the request (Figure 8; column 1, lines 38-51).

37.   Regarding claim 24, Takano teaches wherein the computer program is further designed to

fulfill the request when the server computer is appropriate to fulfill the request (Figures 3, 4, 6, 7,

& 8; column 4, lines 15-64).

38.   As per claim 26, Takano teaches a machine-readable medium having instructions stored

thereon for execution by a processor to transform a general purpose computer to a special

purpose computer comprising:

39.   a communications device (Abstract; Figures 1, 6, 7, & 8; column 1, lines 5-51); and,

40.   means for sending via the communications device an error message that the computer is

off-line in response to a request from a client of a predetermined type when the computer is

inappropriate to fulfill the request (Figure 8; column 1, lines 38-51).

41.   Regarding claim 27, Takano teaches wherein the means is further for delegating the

request to another computer via the communications device in response to a request from a client

of a second predetermined type when the computer is inappropriate to fulfill the request (Figure

8; column 1, lines 38-51).

42.   With regards to claim 28, Takano teaches wherein the means is further for fulfilling the

request when the computer is appropriate to fulfill the request (Figures 3, 4, 6, 7, & 8; column 4,

lines 15-64).

Claim Rejections - 35 USC § 103

43.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

44.   Claims 2 through 4, 7 through 9, 14, 17, and 25 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Takano in view of United States Patent No. 5,535,322 to Hecht.

45.   Regarding claim 2, Takano does not teach wherein sending a request from a client to a

server comprises generating the request at a queue manager of the client.

46.   Hecht teaches wherein sending a request from a client to a server comprises generating

the request at a queue manager of the client (Abstract; Figure 4; column 8, lines 34-54).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the

invention was made to include queue manager of Hecht with the system of Takano, because it

would enable a quicker and more efficient way to find an appropriate server to service the

client's request.

47.   With regards to claim 3, Takano does not teach wherein sending a request from a client to

a server further comprises receiving the request from the queue manager at an application

programming interface (API) of the client.

48.   Hecht teaches wherein sending a request from a client to a server further comprises

receiving the request from the queue manager at an application programming interface (API) of

the client (Figures 10 & 11; column 15, lines 33-47). It would have been obvious to one with

ordinary skill in the art at the time the invention was made to include the API of Hecht with the

system of Takano, because it would enable a quicker and more efficient way to manage the

various client's requests.

49.   Regarding claim 4, Takano teaches wherein sending a request from a client to a server

further comprises receiving the request from the API at a component of the client that maintains

the list of servers (Figures 2, 3, 4, & 5; column 4, lines 1-10; column 4, line 65 to column 5, line

5).

50.   Regarding claim 7, Takano does not teach wherein sending a request to a server

comprises generating the request at a queue manager of the client.

51.   Hecht teaches wherein sending a request to a server comprises generating the request at a

queue manager of the client (Abstract; Figure 4; column 8, lines 34-54). It would have been

obvious to one with ordinary skill in the art at the time the invention was made to include queue

manager of Hecht with the system of Takano, because it would enable a quicker and more

efficient way to find an appropriate server to service the client's request.

52.   With regards to claim 8, Takano does not teach wherein sending a request to a server

further comprises receiving the request from the queue manager at an API of the client.

53.   Hecht teaches wherein sending a request to a server further comprises receiving the

request from the queue manager at an API of the client (Figures 10 & 11; column 15, lines 33-

47). It would have been obvious to one with ordinary skill in the art at the time the invention

was made to include the API of Hecht with the system of Takano, because it would enable a

quicker and more efficient way to manage the various client's requests.

54.   Concerning claim 9, Takano teaches wherein sending a request to a server further

comprises receiving the request from the API at a component of the client that maintains the list

of servers (Figures 2, 3, 4, & 5; column 4, lines 1-10; column 4, line 65 to column 5, line 5).

55.   Concerning claim 14, Takano teaches the client comprises:

56.   a directory server component designed to locate a server able to fulfill the request

(Figures 1, 3, 5, 6, & 7; column 3, lines 38-64; column 4, lines 15-40).

57.   Takano does not teach the client comprises:

58.   a query manager designed to generate the request.

59.   Hecht teaches:

60.   a query manager designed to generate the request (Abstract; Figure 4; column 8, lines 34-

54). Therefore, it would have been obvious to one with ordinary skill in the art at the time the

invention was made to include queue manager of Hecht with the system of Takano, because it

would enable a quicker and more efficient way to find an appropriate server to service the

client's request.

61.   Regarding claim 17, Takano does not teach a processor and a computer-readable

medium, such that the computer program is executed by the processor from the medium.

62.   Hecht teaches a processor and a computer-readable medium, such that the computer

program is executed by the processor from the medium (Figures 2 & 3; column 7, lines 42-67).

Therefore it would have been obvious to one with ordinary skill in the art at the time the

invention was made to combine the processor and computer-readable medium of Hecht with the

system of Takano, because they would aid in processing the various requests of the client.

63.   Concerning claim 25, Takano does not teach a processor and a computer-readable

medium, such that the computer is executed by the processor from the medium.

64.   Hecht teaches a processor and a computer-readable medium, such that the computer is

executed by the processor from the medium (Figures 2 & 3; column 7, lines 42-67). Therefore it

would have been obvious to one with ordinary skill in the art at the time the invention was made

to combine the processor and computer-readable medium of Hecht with the system of Takano,

because they would aid in processing the various requests of the client.

65.   Claims 5, 10, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Takano in view of Hecht, and further in view of United States Patent No. 5,617,570 to Russell et

al., (hereinafter Russell).

66.   Concerning claim 5, neither Takano nor Hecht teach wherein sending a request from a

client to a server further comprises sending the request using a remote procedure call of the

client.

67.   Russell teaches wherein sending a request from a client to a server further comprises

sending the request using a remote procedure call of the client (Abstract; column 3, lines 53-65).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to include the remote procedure calls of Russell with the system of Takano and Hecht, because it would enable a quicker and more efficient way for client's requests to be passed off to the appropriate server.

68.   With regards to claim 10, Takano and Hecht do not teach wherein sending a request to a server further comprises sending the request using a remote procedure call of the client.

69.   Russell teaches wherein sending a request to a server further comprises sending the request using a remote procedure call of the client (Abstract; column 3, lines 53-65). It would have been obvious to one with ordinary skill in the art at the time the invention was made to include the remote procedure calls of Russell with the system of Takano and Hecht, because it would enable a quicker and more efficient way for client's requests to be passed off to the appropriate server.

70.   With regards to claim 15, Hecht teaches the directory server component comprises:

71.   an API designed to receive the request from the query manager (Figures 10 & 11; column 15, lines 33-47);

72.   a component designed to maintain a list of servers comprising at least some of the plurality of servers (Figures 2, 3, 4, & 5; column 4, lines 1-10; column 4, line 65 to column 5, line 5).

73.   Hecht does not teach:

74.   a remote procedure call designed to send the request from the query manager to one of the list of servers.

75.   Russell teaches:

76.   a remote procedure call designed to send the request from the query manager to one of the list of servers (Abstract; column 3, lines 53-65). It would have been obvious to one with ordinary skill in the art at the time the invention was made to include the remote procedure calls of Russell with the system of Takano and Hecht, because it would enable a quicker and more efficient way for client's requests to be passed off to the appropriate server.

Conclusion

77.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

78.   The following patents are cited to further show the state of the art with respect to client requests to servers, such as:

> United States Patent No. 6,377,996 to Lumelsky et al., which is cited to show a system for handing processes off from one server to another.

79.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (703) 305-7704. The examiner can normally be reached on Monday thru Thursday 7-5.
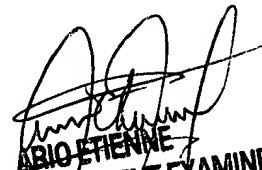
80.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7240 for regular communications and (703) 746-7239 for After Final communications.

81.   Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-3900.

Christian La Forgia
Patent Examiner
Art Unit 2157

clf
December 3, 2002

ABIO ETIENNE
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